

REMARKS

Examiner's comments in the Office Action marked "non-final" and dated April 10, 2007 have been read and carefully considered by Applicants. In view of such comments, Applicants have amended the set of claims as set forth herein. In particular, independent claims 1, 14, and 15 and also dependent claims 2-13 and 16-20 have all been amended to better highlight the patentable differences of Applicants' proposed invention as compared to the prior art cited by Examiner in the Office Action. In amending these claims, however, Applicants maintain that no new matter has been impermissibly introduced into the present Application.

At the present time, it is Applicants' good faith belief that the pending claims, as presented herein, are both novel and non-obvious. Therefore, Applicants respectfully aver that the pending claims now place the present Application in a condition for allowance and notice thereof is respectfully requested.

Rejections of the Claims under 35 U.S.C. § 102(b):

In the Office Action, Examiner rejected independent claims 1 and 15 and also dependent claims 2, 3, 5, 6, 9, 11, and 16 under 35 U.S.C. § 102(b) as being anticipated and therefore rendered unpatentable by United States Patent Number 5,862,691, which was issued to Hagen Friedrich *et al.* on January 26, 1999 (hereinafter "Friedrich"). In response, Applicants have amended claims 1-3, 5, 6, 9, 11, 15, and 16 as set forth hereinabove. In view of the claims as amended, Applicants now respectfully traverse the 35 U.S.C. §102(b) rejections set forth in the Office Action and request that the rejections be withdrawn.

In particular, for Friedrich to anticipate the inventive subject matter set forth in Applicants' independent claim 1 and thereby render all such subject matter unpatentable, Friedrich must disclose

[a]n active keyed locking system for a vehicle, said system comprising:

a base station for being mounted onboard said vehicle;
a lock assembly located within said base station and including both an infrared transmitter and an infrared receiver;

a fixed position sensor located both within said base station and about said lock assembly for statically generating a magnetic field;

a keyed actuated device including a field-altering device for altering said magnetic field when inserted into said lock assembly and placed proximate to said fixed position sensor; and

a controller electrically coupled to said fixed position sensor;

wherein said base station is operable to identify said keyed actuated device with said infrared transmitter and said infrared receiver, said fixed position sensor is operable to generate a position signal indicative of the rotational position of said keyed actuated device based on alteration of said magnetic field, and said controller is operable to enable at least one vehicle component in response to said position signal[.]

as now required by Applicants' claim 1 amended herein. Friedrich, however, does not disclose such an "active keyed locking system" with a "lock assembly" including both an "infrared transmitter" and an "infrared receiver" used to "identify" a "keyed actuated device" (for example, a key), as now claimed and supported by Applicants. (Specification of Applicants' Application, see ¶ 0033, 0034, 0037, 0052, and 0064). In fact, Friedrich fails to disclose any type of means for positively identifying a key.

In sum, therefore, since Friedrich does not disclose an "active keyed locking system" as particularly set forth in Applicants' independent claim 1 amended herein, Applicants respectfully aver that claim 1 is not anticipated by Friedrich and that the subject matter set forth in claim 1 is thus novel. Furthermore, since claims 2, 3, 5, 6, 9, and 11 are dependent on independent claim 1, Applicants also respectfully aver that these dependent claims are not anticipated by Friedrich either and that their claimed subject matter is novel as well.

Furthermore, for Friedrich to anticipate the inventive subject matter set forth in Applicants' independent claim 15 and thereby render all such subject matter unpatentable, Friedrich must disclose

[a] method of enabling at least one vehicle component through use of an active keyed locking system, said method comprising the steps of:

(a) statically generating a magnetic field using a fixed position sensor;

- (b) rotating a keyed actuated device within said magnetic field, wherein said keyed actuated device includes a field-altering device;
- (c) identifying said keyed actuated device with both an infrared transmitter and an infrared receiver;
- (d) monitoring alterations in said magnetic field using said fixed position sensor;
- (e) determining the rotational position of said keyed actuated device using a position signal generated by said fixed position sensor, wherein said position signal changes in response to said alterations in said magnetic field; and
- (f) enabling at least one said vehicle component in response to said position signal[.]

as now required by Applicants' claim 15 amended herein. Friedrich, however, does not disclose such a "method of enabling at least one vehicle component" that includes the step of "identifying" a "keyed actuated device" (for example, a key) with both an "infrared transmitter" and an "infrared receiver," as now claimed and supported by Applicants. (Specification of Applicants' Application, see ¶ 0033, 0034, 0037, 0052, and 0064). In fact, as alluded to previously hereinabove, Friedrich fails to disclose any type of method step(s) for positively identifying a key.

In sum, therefore, since Friedrich does not disclose a "method of enabling at least one vehicle component" as particularly set forth in Applicants' independent claim 15 amended herein, Applicants respectfully aver that claim 15 is not anticipated by Friedrich and that the subject matter set forth in claim 15 is thus novel. Furthermore, since claim 16 is dependent on independent claim 15, Applicants also respectfully aver that claim 16 is not anticipated by Friedrich either and that its claimed subject matter is novel as well.

Rejections of the Claims under 35 U.S.C. § 103(a):

Also, in the Office Action, Examiner rejected independent claim 14 and also dependent claims 4, 7, 8, 10, 12, 13, and 17-20 under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable over various combinations of art references including Friedrich; United States Patent Number 5,117,097, which was issued to Takashi Kimura *et al.* on May 26, 1992 ("Kimura"); United States Patent Number 6,958,551, which was issued to David C. Janssen on October 25, 2005 ("Janssen"); and United States Patent Number 5,745,026, which was issued

to Sadao Kokubu *et al.* on April 28, 1998 ("Kokubu"). In response, Applicants have amended claims 4, 7, 8, 10, 12, 13, 14, and 17-20 as set forth hereinabove. In view of the claims as amended, Applicants now respectfully traverse the 35 U.S.C. §103(a) rejections set forth in the Office Action.

In particular, for Friedrich, Kimura, Janssen, and Kokubu to render the inventive subject matter set forth in Applicants' claims 4, 7, 8, 10, 12, 13, 14, and 17-20 obvious and therefore unpatentable, Friedrich, Kimura, Janssen, and Kokubu, either alone individually or in combination with each other, must generally teach or suggest identifying a "keyed actuated device" (or a "key") with both an "infrared transmitter" and an "infrared receiver," as now claimed and supported by Applicants. (Specification of Applicants' Application, see ¶ 0033, 0034, 0037, 0052, and 0064). Friedrich, Kimura, Janssen, and Kokubu, however, all fail to teach or suggest identification of a "keyed actuated device" (or a "key") with both an "infrared transmitter" and an "infrared receiver," as required by Applicants' claims amended herein. In view of such, Applicants respectfully aver that the subject matter set forth in claims 4, 7, 8, 10, 12, 13, 14, and 17-20 is non-obvious and thus patentable. Thus, Applicants now respectfully traverse the 35 U.S.C. §103(a) rejections set forth in the Office Action and request that the rejections be withdrawn.

CONCLUSION

In view of the claims as amended herein and also the foregoing remarks, Applicants respectfully submit that claims 1-20 are both novel and non-obvious with respect to the disclosures and teachings of Friedrich, Kimura, Janssen, and Kokubu. Therefore, Applicants respectfully request that Examiner's rejections under 35 U.S.C. § 102(b) and § 103(a) be withdrawn and that a Notice of Allowance be issued for all claims 1-20.

Also, together with this Amendment, a "Petition for an Extension of Time" (3 months) is submitted along with the appropriate fee.

Lastly, should Examiner have any questions with respect to any matter now of record, Examiner is invited to contact Applicants' undersigned attorney at (248) 433-7200.

Respectfully submitted,

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Dated: October 10, 2007